

Message Text

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ACTION SS-25

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FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC IMMEDIATE 3061

C O N F I D E N T I A L SECTION 1 OF 2 MONTEVIDEO 0308/1

EXDIS

FOR THE SECRETARY FROM AMBASSADOR SIRACUSA
DEPT PLEASE PASS TO AMEMBASSY BUENOS AIRES AND USCINCSO

E.O. 11652: GDS

TAGS: MASS, AR, UY

SUBJECT: ARGENTINE TRANSFER OF F-86S TO URUGUAY

REFERENCE: STATE 015032

1. IT HAD NOT BEEN MY ORIGINAL INTENT TO BRING THIS MESSAGE TO YOUR PERSONAL ATTENTION BUT I BELIEVE THERE ARE FUNDAMENTAL ISSUES AND PRINCIPLES INVOLVED WHICH WARRANT IT. URUGUAY IS A SMALL COUNTRY WHERE OUR INTERESTS ARE MARGINAL; BUT IT IS AN ELEMENT OF OUR OVERALL FOREIGN POLICY, AND I AM SURE YOU AGREE, THAT THE PRINCIPALS INVOLVED IN GSR DEALINGS WITH THE LEAST ONES CAN BE JUST AS IMPORTANT AS WITH THE MOST POWERFUL. IN BRINGING THIS TO YOUR ATTENTION, I HAVE IN MIND, AS WELL, YOUR PERSONAL MESSAGE CONTAINED IN STATE 015063 AND ESPECIALLY PARAGRAPH 3 THEREOF. WHAT FOLLOWS IS MY MESSAGE AS PREPARED, NOT FOR THE SECRETARY HIMSELF, BUT FOR THE DEPARTMENT OF STATE.

2. SINCE THE DEPARTMENT DID NOT SEE FIT EVEN TO CONSULT THIS EMBASSY BEFORE TAKING A DECISION WHICH CAN HAVE SO PROFOUND AN EFFECT ON US-URUGUAY RELATIONS, I WISH TO REGISTER MY OBJECTION TO THIS PROCEDURE IN THE STRONGEST TERMS, AS WELL AS MY DISSENT
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AGAINST THE DECISION ITSELF.

3. THE DEPARTMENT IS AWARE OF THE HISTORY OF THE KOCH AMENDMENT AND OF THE FACT THAT THIS EMBASSY HAS POINTED OUT, AND I BELIEVE PROVED TO THE BEST OF ITS ABILITY TO LEARN THE TRUTH, THAT THE INFORMATION ON WHICH IT WAS BASED, AS PRESENTED TO THE CONGRESS, WAS IN CONSIDERABLE PART STATISTICALLY UNTRUE AND THAT THE MANNER OF

ITS PRESENTATION WAS OFTEN EXAGGERATED, DISTORTED, AND PROPAGANDISTIC. IN CONTRAST TO THIS EMBASSY'S CAREFUL ON-THE-SPOT EFFORT TO REPORT OBJECTIVELY AND WITH PRECISION THE FACTS ON HUMAN RIGHTS, ACCORDING TO THE LONG PROFESSIONAL TRAINING AND EXPERIENCE OF ITS OFFICERS, THE CAMPAIGN AGAINST URUGUAY WAS BASED LARGELY ON LETTERS AND OTHER REPORTS, OFTEN ANONYMOUS. THE TESTIMONY OF OTHER WITNESSES WAS OBVIOUSLY COLORED BY PERSONAL FRUSTRATION AND AMBITION IN ONE CASE, AND BY EVIDENCE OF A WOEFUL LACK OF CURRENT INFORMATION ABOUT THE COUNTRY IN ANOTHER.

4. THIS EMBASSY BELIEVES FULLY IN A US POLICY BASED ON A HIGH MORAL CONCERN FOR HUMAN RIGHTS; BUT IS ALSO BELIEVES THAT THE US HAS THE OBLIGATION TO BASE ACTIONS PURSUANT TO THIS POLICY ON THE TRUTH AS BEST IT CAN LEARN IT. THIS OBLIGATION REQUIRES SOME CAUTION IN ACCEPTING EVIDENCE OF ORGANIZATIONS, HOWEVER LAUDABLY INSPIRED, WHICH ARE TRYING TO BE SUCCESSFUL IN CAMPAIGNS THEY HAVE UNDERTAKEN AS WELL AS OF THOSE WHOSE TESTIMONY MIGHT BE AFFECTED BY PERSONAL REASONS. MOREOVER, WHEN A DECISION INVOLVES TAKING PUNITIVE ACTION AGAINST A TRADITIONAL FRIEND WHICH IS STRUGGLING TO RECOVER FROM A TERRORIST MOVEMENT AND A MARXIST PENETRATION OF ITS INSTITUTIONS WHICH CAME CLOSE TO OVERWHELMING THE TRADITION ECONOMIC, SOCIAL AND POLITICAL STRUCTURE OF THE COUNTRY, THESE FACTORS SHOULD BE GIVEN WEIGHT AS WELL.

5. OUR OWN CONCLUSION WAS THAT THE FACTS (GIVEN FULL CONSIDERATION TO THE EXTENT TO WHICH HUMAN RIGHTS VIOLATIONS HAVE IN FACT OCCURRED HERE) DID NOT JUSTIFY KOCH AMENDMENT-TYPE ACTIONS AGAINST URUGUAY. WE ALSO BELIEVE THAT THE QUIET, PERSISTENT DIPLOMATIC EFFORT WE WERE ENGAGED IN HERE WITH THE HIGHEST URUCONFIDENTIAL

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GUAYAN OFFICIALS WAS MORE LIKELY IN THE LONG RUN TO BRING IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION THAN THE ACT OF SINGLING URUGUAY OUT FOR MORAL OPPOBRIUM AND THE PUNITIVE WITHHOLDING OF MODEST MILITARY ASSISTANCE. THE LATTER CAN BE JUST AS COUNTERPRODUCTIVE IN THE MORAL FIELD OF HUMAN RIGHTS AS IT HAS SO FREQUENTLY PROVED TO BE IN THE AREA OF INVEST/EXPROPRIATION POLICY.

6. BE THAT AS IT MAY, WE RECOGNIZE THAT THE KOCH AMENDMENT IS NEVERTHELESS THE LAW AND THAT IT MUST BE RESPECTED AND EXECUTED FULLY. WE HAVE NO DISAGREEMENT WITH THIS AND I HAVE TAKEN EVERY ACTION IN THIS EMBASSY TO SEE THAT IF WE ERR AT ALL IN THIS MATTER IT WILL BE ON THE SIDE OF CAUTION WITH RESPECT FOR THIS LAW. BUT I DO NOT BELIEVE THAT THIS REQUIRES TAKING ACTION NOT REQUIRED BY THE KOCH AMENDMENT, WHICH WAS LIMITED STRICTLY TO DENIAL OF ASSISTANCE DERIVED FROM THE FY-77 APPROPRIATIONS ACT. IT DID NOT, AS ASSERTED IN PARA. 3 OF REFTL, PROHIBIT MILITARY ASISTANCE AS SUCH TO URUGUAY. IT APPEARS TO US THAT A DENIAL OF AGREEMENT FOR ARGENTINA TO TRANSFER THEIR OUTMODED F-86S TO URUGUAY IS AN APPROPRIATE CASE IN POINT. WHAT WE HAVE HERE IS A POLICY DECISION

FOR WHICH LAWYERS HAVE SUPPLIED LEGAL ARGUMENTS. UNDER OTHER CIRCUMSTANCES THEY COULD HAVE EASILY ARGUED IT THE OTHER WAY. THE SAD FACT, AS VIEWED FROM HERE, IS THAT WHOEVER MADE THIS DECISION IN THE DEPARTMENT HAS NOW APPARENTLY ACCEPTED AS VALID THE PICTURE OF URUGUAY AS PORTRAYED BY ITS CRITICS AS FULLY AS DID THE CONGRESS WHEN IT VOTED FOR THE KOCH AMENDMENT IN SPITE OF OPPOSING TESTIMONY GIVEN BY OFFICERS OF THE DEPARTMENT.

7. I BELIEVE THAT THE DECISION, IF IT STANDS, PRESENTS CLEAR CONTRADICTIONS WITH THE GUIDANCE PROVIDED BY THE DEPARTMENT IN STATE 281203 REGARDING APPLICATION OF THE KOCH AMENDMENT. FOR EXAMPLE, THERE IS NO PROHIBITION AGAINST DELIVERY TO URUGUAY OF PRIOR YEAR MILITARY ASSISTANCE NOW

NOTE BY OCT: NOT PASSED ABOVE.

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C O N F I D E N T I A L SECTION 2 OF 2 MONTEVIDEO 0308/2

EXDIS

C O R R E C T E D C O P Y (TEXT)

IN THE PIPELINE; NOR WAS THERE AGAINST THE POST-KOCH DELIVERY FROM THE US OF EIGHT A-37B AIRCRAFT PURCHASED BY URUGUAY FROM PRE-KOCH CREDITZ. HOW THEN CAN KOCH PREVENT AGREEMENT TO THE TRANSFER BY ARGENTINA OF AIRCRAFT ACQUIRED FROM THE U.S. IN 1963? MY POINT HERE IS THAT IF THE DECISION STANDS, IT WOULD BETTER BE PRESENTED AS THE POLITICAL DECISION THAT IT IS, RATHER THAN JUSTIFIED ON DUBIOUS LEGAL GROUNDS. AS STATED IN PARA. 6 OF REFTTEL, WE MAY WELL AT FIRST LEAVE IT TO THE ARGENTINES TO INFORM URUGUAY. BUT THE MATTER CERTAINLY WILL NOT END THERE AND ULTIMATELY THE DEPARTMENT AND PROBABLY THIS EMBASSY WILL HAVE TO EXPLAIN THE DECISION IN RESPONSE TO INEVITABLE URUGUAYAN OBJECTION.

8. AN F-86 IS NOT THE TYPE OF WEAPON WHICH MIGHT AFFECT THE HUMAN RIGHTS SITUATION IN URUGUAY TODAY ONE WAY OR ANOTHER.

IN FACT, AS THERE IS NO WAR AGAINST TERRORISTS HERE TODAY (IN
CONTRAST WITH ARGENTINA WHERE ON SOME DAYS DOZENS OF TERRORISTS
ARE KILLED) THE PROBLEM OF HUMAN RIGHTS IN GENERAL MIGHT BETTER BE
SERVED (IF IT WERE A USEFUL WEAPON) BY NOT PREVENTING TRANS-
FER. EVEN IN THE WORST DAYS OF TERRORISM URUGUAY DID NOT WAGE
SUCH AN ALL-OUT WAR AGAINST TERRORISTS. THE MAIN REQUIREMENT TODAY
IN URUGUAY IS THE RESTORATION OF DUE PROCESS FOR THOSE NOW IM-
PRISONED AS SUBVERSIVES AND ITS GUARANTEE FOR THOSE NEWLY ARRESTED.
PROMISING DEVELOPMENTS IN THIS REGARD WILL MORE THAN LIKELY BE SET
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BACK VPOTHER THAN ADVANCED BY THE INEVITABLY ADVERSE URUGUAYAN
REACTION TO OUR PREVENTING THE TRANSFER OF THE F-86S. THIS ELL
SURELY REDUCE RATHER THAN ENLARGE OUR INFLUENCE, JUST AS HAS THE
KOCH AMENDMENT ITSELF.

9. I AM FULLY AWARE OF HOS UNPOPULAR THE VIEWS I HERE EXPRESS WILL
BE WITH SOME AT THE PRESENT TIME. I BELIEVE, HOWEVER, THAT
THEY ARE FULLY CONSISTENT WITH THE CONCERN FOG HUMAN RIGHTS EXPRES-
SED BY THE PRESIDENT IN HIS INAUGURAL ADDRESS AND THAT THEY RE-
RLECT MY OBLIGATION, AS AMBASSADOR, TO TRY TO INSURE THAT THE
DEPARTMENT OF STATE HAS ACCURATE INFORMATION ON WHICH TO MAKE
ITS DECISIONS. THE NEW PRESIDENT AND SECRETARY OF STATE ARE JUST AS
NEEDFUL AS ALL THEIR PREDECESSORS HAVE BEEN OF AMBASSADORS WHO ARE
WILLING TO TAKE UNPOPULAR POSITIONS IF NEED BE.

10. BASED ON ALL THE FOREGOING, I REQUEST THAT THE DEPARTMENT REVIEW
THE DECISION ON F-86S BEFORE TAKING THE STEPS OUTLINED IN PARA.
6 OF REFTEL. WHAT THIS REALLY MEANS IS TO DEFER DECISION AND
ACTION UNTIL THE WHOLE QUESTION OF HUMAN RIGHTS IN URUGUAY IS
THOROUGHLY REVIEWED BY THE NEW ADMINISTRATION. THIS I STRONGLY
RECOMMEND IF IT IS NOT TO FALL INTO THE ERROR OF BEING SWEEP
ON BY ESTABLISHED MOMENTUM INTO A SERIES OF ACTS WHICH CAN
NEEDLESSLY DAMAGE OUR RELATIONS WITH URUGUAY FOR YEARS TO COME.
WHILE THE ISSUE WAS CLEARLY A MORE CRITICAL ONE, I CAN POINT TO
THE FACT THAT PRESIDENT KENNEDY, IN RETROSPECT, WISHED THAT HE
HAD NOT BEEN CARRIED BY SUCH MOMENTUM INTO THE GRAVE ERROR OF
THE BAY OF PIGS.
SIRACUSA

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